

OUTDOOR ALLIANCE

August 4, 2025

Secretary Doug Burgum
Department of Interior
1849 C Street NW
Washington, DC 20240

Submitted via <https://www.regulations.gov/document/DOI-2025-0004-0001>

RE: Comments on DOI-2025-0004, Department of Interior Interim Final Rule implementing the National Environmental Policy Act

Secretary Burgum,

On behalf of the human-powered outdoor recreation community, we write to provide our perspectives on the United States Department of Interior's (DOI) Interim Final Rule (IFR) implementing the National Environmental Policy Act (NEPA). As frequent visitors to DOI lands, and as regular participants in the NEPA process, we are highly concerned by the agency's decision to forgo adopting comprehensive NEPA regulations and instead publish the vast majority of its NEPA procedures as nonbinding implementation guidance. This abrupt change fails to ensure that NEPA analyses for federal decisions made by DOI satisfy NEPA's statutory requirements and will cause confusion among public lands stakeholders and DOI staff, leading to delays and inefficiencies.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

DOI lands managed by the Bureau of Land Management (BLM), the National Park Service (NPS), the U.S. Fish and Wildlife Service, and other agencies contain an



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astonishing variety of recreation opportunities ranging from easily accessible scenic viewpoints, to frontcountry trail systems, to remote mountaineering objectives, to wildlife-dependent recreation, and beyond. These opportunities attract visitors from nearby communities and from across the globe. Visitors to DOI public lands benefit from challenging themselves on a variety of terrain, and from experiencing natural landscapes in a way that helps build a societal understanding and appreciation for our country's natural history. Decisions affecting these lands are of utmost interest to the outdoor recreation community, and the NEPA process is critical for collaborating with DOI to ensure that agency projects and plans protect and enhance recreation values.

The NEPA process is also essential for ensuring that DOI lands continue to support strong outdoor recreation economies at both the local and national level. According to the Bureau of Economic Analysis, outdoor recreation supported nearly \$1.2 trillion in gross economic output, 2.3 percent of GDP, and nearly 5 million American jobs in 2023.¹ At the agency level, recreation activities on BLM lands contributed \$11.1 billion to the economy and 73,000 jobs in 2022,² while National Parks contributed \$55.6 billion to the U.S. economy and supported 415,000 jobs in 2023.³ Beyond those numbers, outdoor recreation amenities and access to public lands and waters play a huge role in attracting a wide array of businesses and workers to rural communities across a range of industries and support vibrant and diversified local economies.

In the absence of strong government-wide NEPA regulations from the Council on Environmental Quality (CEQ) or binding regulations guiding environmental reviews at DOI, outdoor recreationists and outdoor businesses have reduced assurance that DOI land management decisions will reflect recreation values, and no assurance our voices will even be heard as DOI contemplates future decisions. This

¹ U.S. Bureau of Economic Analysis, BEA 24-53, Outdoor Recreation Satellite Account, U.S. and States, 2023 (2024).

² U.S. Dept. of Interior, Bureau of Land Management, The BLM: A Sound Investment for America 2022 (2023).

³ U.S. Dept. of Interior, National Park Service, Science Report NPS/SR—2024/174, 2023 National Park Visitor Spending Effects Economic Contributions to Local Communities, States, and the Nation, *available at* <https://doi.org/10.36967/2305351>.



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change undercuts our community's ability to collaborate with DOI on a variety of land management issues, as we have done successfully for decades.

Outdoor Recreation Community's Perspective on the NEPA Process

Outdoor recreationists are highly familiar with the environmental review process that NEPA facilitates, and our community deeply values the law's core tenets of government transparency and reasoned decision-making informed by science and robust public input. In the context of public land management, we have significant experience working with the DOI at multiple levels of the NEPA process, providing input on individual projects, agency-wide policies, and land management plans. In these settings, the NEPA process is the primary way that members of our community provide input on (or sometimes become aware of) projects and proposals that affect outdoor recreation access and conservation values on public lands.

We also regularly engage in the NEPA process as proponents of recreation infrastructure projects, such as trail systems, and are familiar with the frustrations around delays and resource investments that can accompany NEPA from that perspective. The outdoor community supports making the NEPA process more efficient and responsive to stakeholder input, and we are open to an honest dialogue with DOI about where these efficiencies can be found. These reforms should be targeted, collaboratively developed, and based in sound science and Tribal consultation, while still meeting NEPA's statutory requirements.

We are concerned that, rather than pursuing these sorts of thoughtful reforms, DOI has instead rushed to finalize an IFR that undermines public participation in the NEPA process. This process is certain to increase frustration among public lands stakeholders and cause projects to move forward without public support, ultimately causing more controversy, delays, and litigation related to federal decisions.

Comments on the Administration's Approach to Revising NEPA Regulations

For decades, the outdoor recreation community has navigated the NEPA process in accordance with the CEQ regulations that were common to all federal agencies



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prior to this year. As visitors to public lands managed by multiple federal agencies, outdoor recreationists benefited from the consistency that the CEQ regulations provided regarding how NEPA is applied to decisions relating to federal public lands and waters. CEQ's decision to rescind its NEPA regulations earlier this year and instead instruct federal agencies to develop their own regulations now adds a new and unnecessary layer of complexity for stakeholders engaged in the NEPA process. Despite the Administration's direction to prioritize "efficiency and certainty over any other objectives,"⁴ this new patchwork of regulations is inefficient and confusing for stakeholders and land managers alike and will likely lead to further project delays related to environmental analysis.

The process that multiple agencies are now employing in issuing IFRs is both rushed and inadequate. Multiple federal agencies have concurrently issued IFRs with just thirty days for stakeholders to submit comments. Asking stakeholders to submit detailed comments on multiple sweeping new policies upending decades of precedent on NEPA application is unreasonable and does not allow for meaningful public engagement under such a short timeframe.

Additionally, DOI's decision to abandon its NEPA regulations through this IFR comes at a time of dramatic change for the agency. In recent months the agency has lost approximately 7,500 employees as part of a broader effort to downsize the federal workforce,⁵ and more staff losses are expected in the coming months.⁶ In this context, we are concerned that complying with NEPA via an entirely new set of procedures adds a new layer of uncertainty for DOI staff. We are concerned that increasingly limited staff capacity at DOI will lead to deficiencies whereby staff are pressured to shortcut important elements of the NEPA process. DOI's decision to publish its NEPA procedures as nonbinding guidance only exacerbates this concern.

Comments on DOI's Interim Final Rule and Updated Procedures

⁴ Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025).

⁵ Jennifer Yachnin, 7,500 Interior Workers Took Trump Buyouts or Early Retirement, E&E News PM (June 17, 2025), <https://www.eenews.net/articles/7500-interior-workers-took-trump-buyouts-or-early-retirement/>.

⁶ Jennifer Yachnin, Interior Increases Targets for Layoffs, E&E News Greenwire (July 25, 2025), <https://www.eenews.net/articles/interior-increases-targets-for-layoffs/>.



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The IFR itself is relatively sparse, with most of the procedural requirements formerly laid out by CEQ now moved to DOI handbook guidance.⁷ As justification for this change, DOI reasons that “the flexibility to respond to new developments in this fast-evolving area of law, afforded by using non-codified procedures, outweighs the appeal of maintaining its NEPA procedures as regulations going forward.”⁸ This reasoning ignores NEPA’s clear statutory requirements, which are static absent action from Congress, and implies a level of impermanence to DOI’s approach to NEPA application. Public lands stakeholders, project proponents, and DOI staff all benefit from an environment of regulatory certainty, which is best provided by mandatory procedures, clearly laid out in regulations adopted through a robust public process.

While acknowledging that this public comment period relates to the IFR, we offer the following comments to address key themes and observations related to outdoor recreation in DOI’s updated NEPA implementing procedures (hereinafter “implementing procedures”).

Public Input

Public input is a cornerstone of federal decision-making under NEPA, and NEPA is a primary avenue by which members of the outdoor community help ensure that federal actions do not unnecessarily degrade recreation resources and landscapes that we value—or find important efficiencies through recreation co-benefits. We are extremely concerned that DOI chose not to include requirements for public comment in the IFR and that the implementing procedures fail to require public comment at key stages in the NEPA process. The implementing procedures make scoping optional⁹ and only require public input upon issue of a notice of intent for an Environmental Impact Statement (EIS).¹⁰ Public comment is not required for Categorical Exclusions (CEs) or Environmental Assessments (EAs), and is optional for

⁷ See, 516 DM 1 - U.S. Department of Interior Handbook of National Environmental Policy Implementing Procedures, *available at* <https://www.doi.gov/media/document/doi-nepa-handbook>.

⁸ 90 Fed. Reg. 29500.

⁹ 516 DM 1 *supra* note 7, Part 1, § 1.8(c).

¹⁰ *Id.* Part 1, § 1.8(b).



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Draft EISs.¹¹ Failing to solicit public input will lead to projects that degrade recreation resources and public access, and there will be no clear avenue by which members of our community can bring these issues to land managers' attention.

Outdoor recreation activities like climbing, paddling, mountain biking, backcountry skiing are defined by the opportunity to interact with highly specific recreational resources and attributes of the landscape. Outdoor Alliance and our member organizations' experience has often been that unless a particular line officer holds a personal enthusiasm for and interest in outdoor recreation—maybe even a specific activity—local agency staff may not be aware of the full range of recreation values that exist on a particular park, district, or refuge, and are thus unable to fully understand how proposed actions might affect these recreation values. Public comment opportunities during the NEPA process provide our community with a critical forum to bring issues around a project or plan's potential recreation impacts to the agency's attention in an official capacity. We are extremely concerned that, in the absence of these opportunities, the agency will approve projects under NEPA reviews that fail to consider how a project might affect outdoor recreation values in a particular area, ultimately causing harm to outdoor recreation resources or missing opportunities for their enhancement.

Cumulatively, these changes eliminate most comment opportunities that members of the public have come to expect and rely on in the NEPA process. These changes undercut stakeholders' ability to collaborate with the DOI through the NEPA process and will reduce transparency in federal decision-making.

Categorical Exclusions

The IFR and implementing regulations would expand the use of CEs and increase DOI's ability to create and adopt new CEs. While we are comfortable and accustomed to certain categories of projects without significant environmental effects being analyzed through CEs, some of these changes are inappropriate and are likely to lead to significant environmental impacts.

¹¹ *Id.* Part 1, § 2.1(b)(ii). The Responsible Official "[m]ay request the comments of the public, including by affirmatively soliciting comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action."



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In particular, we are concerned by the IFR's proposal to allow DOI bureaus to apply CEs developed by other bureaus.¹² This practice ignores the context in which CEs were developed as well as the vastly different missions of DOI bureaus. For example, CEs developed by the Bureau of Land Management (BLM), which has a multiple-use mandate allowing for extractive activities, may not be appropriate at the National Park Service (NPS), which has a narrower mandate to conserve natural resources and allow for public enjoyment of National Parks. Public expectations of NPS management differ greatly from BLM, and certain actions allowed by BLM CEs, such as for "[c]ommercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor,"¹³ are not appropriate for the NPS.

Narrowing Where and How NEPA Applies

Several provisions in the implementing procedures will affect DOI bureaus' decisions regarding the level of review appropriate to a particular project, as well as their decisions to undergo NEPA analysis at all. Examples include:

- Definition of "Significance": The IFR replaces the detailed "context and intensity" factors that agencies formerly used to determine when to prepare an EIS with a requirement that the Responsible Official "focus only on adverse environmental effects and compare them to the potentially affected environment and evaluate the degree of the anticipated effects of the action" along with a vague list of considerations that does little to establish a threshold for significance.¹⁴ Importantly, the new definition excludes the requirement that agencies consider cumulative impacts (see below).
- Definition of "Major Federal Action": The implementing procedures establish that the terms "major" and "federal action" each have independent force and that both thresholds must be met for NEPA to apply.¹⁵ This differs from the definition recently provided by Congress in the Fiscal Responsibility Act as

¹² 43 CFR § 46.205(g).

¹³ 516 DM 11 - Managing the NEPA Process - Bureau of Land Management, § 11.9(C)(7)(d)(ii).

¹⁴ 516 DM 1 *supra* note 7, Part 1, § 1.2(b).

¹⁵ *Id.* Part 1, § 1.1(a)(6)(i).



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“an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.”¹⁶

- Other statutes: The IFR states that NEPA analysis is not required when the proposal “is an action for which another statute’s requirements serve the function of agency compliance with NEPA.”¹⁷ Given NEPA’s role as the primary statute guiding environmental decisionmaking across the federal government, it is unclear what other statutes might satisfy NEPA’s requirements.

Quality and Integrity of NEPA Analysis

The IFR and implementing regulations remove reference to a number of requirements intended to ensure the quality and integrity of NEPA analysis. In particular, we are extremely concerned to see the requirement that DOI bureaus consider the cumulative impacts of their actions through NEPA removed entirely. This change runs counter to NEPA’s mandate to consider “reasonably foreseeable environmental effects,”¹⁸ which in many cases accumulate between projects.

We also strongly oppose the elimination of requirements to consider climate change that were included in the now-rescinded CEQ regulations. Outdoor recreationists are profoundly affected by the climate crisis, which increasingly affects recreation on public lands and waters through closures, lack of snowfall, extreme floods, uncharacteristic wildfire, heat waves, and other impacts. Addressing the climate crisis is one of the foremost environmental challenges of our time and clearly falls within the spectrum of environmental impacts that agencies must consider through NEPA. We are dismayed to see no reference to climate change whatsoever in the IFR or implementing regulations.

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For more than half a century, NEPA has guided federal decisionmaking in a way that has enabled the outdoor recreation community to work closely with federal

¹⁶ 42 U.S.C. § 4336e(10).

¹⁷ 516 DM 1 *supra* note 7, § 1.1(a)(5).

¹⁸ 42 U.S.C. § 4332(C).



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agencies to achieve beneficial project outcomes that protect and enhance recreation access on public lands and waters. As DOI works to comply with recent direction from Congress, the Supreme Court, and CEQ, it is critical that the agency work to sustain this sort of beneficial collaboration with the public. This IFR, which has been pursued through a rushed and inadequate process, fails to provide our community with assurance that DOI will move forward in a way that protects NEPA's integrity or meets society's needs around outdoor recreation. We offer our support and collaboration in improving these deficiencies in a final rule.

Thank you for considering our community's input.

Best regards,



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cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance
Heather Thorne, Executive Director, Access Fund
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